

In item 2 on pages 2-3 of the above-mentioned Office action, claims 1-11 have been rejected as being unpatentable over Darby et al. (US Pat. No. 5,835,873) in view of Byon (US pat. No. 5,847,472) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

A device for sensing an object or a person in an interior of a vehicle, comprising:

a sensor for sensing an object or a person in an interior of a vehicle;

a memory. (Emphasis added by Applicants).

Claim 9 calls for, inter alia:

storing the sensor data in a device containing the sensor when there is a corresponding control command supplied to the device, wherein the sensor data are stored if the vehicle occupant protection means is to be triggered or is triggered. (Emphasis added by Applicants).

Darby et al. or Byon concern how to store sensor data relating to persons and objects in a memory of the vehicle occupant control device. In contrast, according to the invention of the instant application, the sensor data relating to persons and objects is not stored in a memory of the vehicle occupant control device but rather in a memory which is assigned to the device for sensing an object or a person (see page 11, line 4ff of the specification).

Therefore, claim 1 of the instant application recites a device (1) for sensing an object or a person in an interior of a vehicle including a sensor (11); a memory (12); ... etc. (see also Fig. 2). As a result of the storage of the sensor data directly in the object sensing device as independent electrical equipment (1) with the sensor (11), the control unit (13), the memory (12), a power supply and an interface (14), which is then necessary for documenting the decision to trigger, the expenditure in the form of memory space and computing power which is to be made available in the central control device (3) can be reduced or kept low. The data transmission rate between the object sensing device and the central control device (3) is also reduced because sensor data transmission which may possibly be necessary only for the purpose of storing data in the central control device is avoided on the part of the object sensing device. See page

11, line 25 to page 12, line 10 of the specification of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 and 9. Claims 1 and 9 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 9, they are believed to be patentable as well.

Applicants acknowledge the Examiner's statement in item 3 on page 3 of the above-mentioned Office action that claim 12 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Since claim 9 is believed to be patentable as discussed above and claim 12 is dependent on claim 9, it is believed to be patentable in dependent form. A rewrite is therefore believed to be unnecessary at this time.

In view of the foregoing, reconsideration and allowance of claims 1-12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants

WERNER H. STEMER
REG. NO. 34,956

YHC:cgm

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Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101